

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE: _____

United States District Court
for the

WESTERN

DISTRICT OF

OKLAHOMA

United States of America

v.

Samuel Nathaniel Scott,

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Case No: M-21- 194 -SM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

COUNT 1


Murder in the First Degree within Indian country

On or about December 22, 2001, while within Indian country, in Grady County, in the Western District of Oklahoma, defendant Samuel Nathaniel Scott, an Indian, did unlawfully with malice aforethought and premeditation kill Jody Wynn by shooting him with a firearm, in violation of 18 U.S.C. §§ 1111 and 1153.

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Benjamin G. Matney, Federal Bureau of Investigation, which is incorporated and made a part hereof by reference.

☐ Continued on the attached sheet.



Complainant's signature
BENJAMIN G. MATNEY
Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: **Mar 26, 2021**

City and State: Oklahoma City, Oklahoma


Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Benjamin G. Matney, a Special Agent of the Federal Bureau of Investigation (FBI), Oklahoma City Division, being duly sworn, state:

AFFIANT'S EXPERIENCE

1. I have been employed as a Special Agent (SA) with the FBI since January 2011 and have been assigned to the Oklahoma City Division of the FBI for approximately 10 years. During the past 10 years, I have conducted a wide variety of investigations, including cases involving violent crimes in Indian country.

PURPOSE OF AFFIDAVIT

2. This Affidavit is submitted in support of an Application for a Criminal Complaint and Arrest Warrant for Samuel Nathaniel **SCOTT (SCOTT)**, because probable cause exists to believe that on or about Saturday, December 22, 2001, in Indian Country, Grady County, Oklahoma, within the Western District of Oklahoma, **SCOTT** did unlawfully with malice aforethought and premeditation kill Jody Wynn by shooting him with a firearm in violation of 18 U.S.C. § 1111 and 1153.

3. The information in this Affidavit is based on my personal knowledge and on information that I have learned, either directly or indirectly, from witnesses, records, and other law enforcement officers and agents. Additionally, unless otherwise indicated, conversations discussed herein are described in substance and part rather than verbatim. Since this Affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary

to establish probable cause to support the issuance of a criminal complaint and an arrest warrant.

FACTS AND CIRCUMSTANCES

4. On December 22, 2001, at approximately 12:21 A.M., Deputies from Grady and McClain County Sheriffs' Departments were dispatched to the Wynn family residence located 4/10 mile south of state highway 39 on the McClain - Grady County line then 1/10 mile west into Grady County, Oklahoma. This residence is in Grady County within the Western District of Oklahoma and Indian Country. The initial dispatch was based on an emergency call from Tamie Wynn in which she indicated that her brother (determined to be **SCOTT**) had shot her husband (determined to be Jody Wynn).

5. Deputies responding to the Wynn residence found Jody Wynn just inside the doorway to the Wynn residence with an apparent gunshot wound to the head. Jody Wynn was still breathing but in serious condition and was subsequently transported via med-flight to Oklahoma City for medical treatment but did not survive his injuries.

6. The body of Jody Wynn was examined by Doctor Larry Balding of the Office of the Chief Medical Examiner in Oklahoma City. Dr. Balding ruled Jody Wynn's death as a homicide and determined the probable cause of death to be a gunshot wound to the head.

7. An additional emergency call from a neighbor of the Wynn family relayed that **SCOTT** had shown up at this home claiming to have just shot someone. Deputies responding to this home found **SCOTT**. Once **SCOTT** was detained, **SCOTT** indicated

that he had shot his brother-in-law in self-defense.

8. Tamie Wynn gave a statement to Grady County Sheriff Deputies. Tamie indicated that her brother, **SCOTT**, came to her family home the night of the shooting and got upset with her husband, Jody Wynn. Tamie Wynn detailed that **SCOTT** threatened to kill Jody Wynn before leaving the home and returning with a firearm. Tamie observed Jody Wynn walk from the kitchen toward the front door where he fell to the floor. Tamie Wynn then observed **SCOTT** standing in front of the door reloading her father's rifle. Tamie Wynn grabbed the barrel trying to get the rifle away from **SCOTT** who was making statements about killing the Wynns. **SCOTT** was able to fire again before Tamie Wynn wrestled the gun from **SCOTT**. **SCOTT** entered the Wynn home and kicked Jody Wynn in the head repeatedly before fleeing the scene.

9. At the time of the offense, **SCOTT** was an enrolled citizen of the Muscogee Creek Nation.

10. Based on the foregoing facts, I believe that probable cause exists that on or about December 22, 2001, in Grady County within the Western District of Oklahoma, **SCOTT** shot and killed Jody Wynn with malice aforethought and premeditation in violation of 18 U.S.C. § 1111 and 1153.

I respectfully request that the Court issue a Criminal Complaint and Arrest Warrant for **SCOTT**.



BENJAMIN MATNEY
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 26th day of March, 2021.



SHON T. ERWIN
United States Magistrate Judge